

1 AN ACT concerning schools.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The School Code is amended by changing
5 Section 2-3.25g as follows:

6 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)
7 Sec. 2-3.25g. Waiver or modification of mandates within
8 the School Code and administrative rules and regulations.

9 (a) Notwithstanding any other provisions of this School
10 Code or any other law of this State to the contrary, school
11 districts may petition the State Board of Education for the
12 waiver or modification of the mandates of this School Code or
13 of the administrative rules and regulations promulgated by
14 the State Board of Education. Waivers or modifications of
15 administrative rules and regulations and modifications of
16 mandates of this School Code may be requested when a school
17 district demonstrates that it can address the intent of the
18 rule or mandate in a more effective, efficient, or economical
19 manner or when necessary to stimulate innovation or improve
20 student performance. Waivers of mandates of the School Code
21 may be requested when the waivers are necessary to stimulate
22 innovation or improve student performance. Waivers may not
23 be requested from laws, rules, and regulations pertaining to
24 special education, teacher certification, or teacher tenure
25 and seniority.

26 (b) School districts, as a matter of inherent managerial
27 policy, and any Independent Authority established under
28 Section 2-3.25f may submit an application for a waiver or
29 modification authorized under this Section. Each application
30 must include a written request by the school district or
31 Independent Authority and must demonstrate that the intent of

1 the mandate can be addressed in a more effective, efficient,
2 or economical manner or be based upon a specific plan for
3 improved student performance and school improvement. Any
4 district requesting a waiver or modification for the reason
5 that intent of the mandate can be addressed in a more
6 economical manner shall include in the application a fiscal
7 analysis showing current expenditures on the mandate and
8 projected savings resulting from the waiver or modification.
9 Applications and plans developed by school districts must be
10 approved by each board of education following a public
11 hearing on the application and plan and the opportunity for
12 the board to hear testimony from educators directly involved
13 in its implementation, parents, and students. The public
14 hearing must be preceded by at least one published notice
15 occurring at least 7 days prior to the hearing in a newspaper
16 of general circulation within the school district that sets
17 forth the time, date, place, and general subject matter of
18 the hearing. A copy of the published notice must be included
19 with the district's waiver or modification request submitted
20 to the State Board of Education. The school district must
21 notify in writing the affected exclusive collective
22 bargaining agent of the district's intent to seek approval of
23 a waiver or modification and of the hearing to be held to
24 take testimony from educators. The affected exclusive
25 collective bargaining agents shall be notified of such public
26 hearing at least 7 days prior to the date of the hearing and
27 shall be allowed to attend such public hearing.

28 (c) A request for a waiver or modification of
29 administrative rules and regulations or for a modification of
30 mandates contained in this School Code shall be submitted to
31 the State Board of Education within 15 days after approval by
32 the board of education. Following receipt of the request,
33 the State Board shall have 45 days to review the application
34 and request. If the State Board fails to disapprove the

1 application within that 45 day period, the waiver or
2 modification shall be deemed granted. The State Board must
3 ~~may~~ disapprove any request if it is not based upon sound
4 educational practices, endangers the health or safety of
5 students or staff, compromises equal opportunities for
6 learning, or fails to demonstrate that the intent of the rule
7 or mandate can be addressed in a more effective, efficient,
8 or economical manner or have improved student performance as
9 a primary goal. Any request disapproved by the State Board
10 may be appealed to the General Assembly by the requesting
11 school district as outlined in this Section.

12 A request for a waiver from mandates contained in this
13 School Code shall be submitted to the State Board within 15
14 days after approval by the board of education. The State
15 Board shall review the applications and requests for
16 completeness and shall compile the requests in reports to be
17 filed with the General Assembly. The State Board shall file
18 reports outlining the waivers requested by school districts
19 and appeals by school districts of requests disapproved by
20 the State Board with the Senate and the House of
21 Representatives before each April May 1 and September October
22 1. The General Assembly may disapprove the report of the
23 State Board in whole or in part within 30 calendar days after
24 each house of the General Assembly next convenes after the
25 report is filed by adoption of a resolution by a record vote
26 of the majority of members elected in each house. If the
27 General Assembly fails to disapprove any waiver request or
28 appealed request within such 30 day period, the waiver or
29 modification shall be deemed granted. Any resolution adopted
30 by the General Assembly disapproving a report of the State
31 Board in whole or in part shall be binding on the State
32 Board.

33 (d) An approved waiver or modification may remain in
34 effect for a period not to exceed 5 school years and may be

1 renewed upon application by the school district. However,
2 such waiver or modification may be changed within that 5-year
3 period by a local school district board following the
4 procedure as set forth in this Section for the initial waiver
5 or modification request. If neither the State Board of
6 Education nor the General Assembly disapproves, the change is
7 deemed granted. This subsection (d) does not apply to a
8 request for a waiver from or modification to a physical
9 education mandate contained in the Spring 2002 report or any
10 subsequent report filed with the General Assembly by the
11 State Board of Education.

12 (e) This subsection (e) applies to a request for a
13 waiver from or modification to a physical education mandate
14 contained in the Spring 2002 report or any subsequent report
15 filed with the General Assembly by the State Board of
16 Education. A school district making application for a waiver
17 from or modification to a physical education mandate must
18 provide baseline data in the application to show how well its
19 students are meeting State learning standards in physical
20 development and health.

21 (1) An approved waiver from or modification to a
22 physical education mandate requested for curriculum
23 purposes may be effective for no more than 2 school years
24 and may be renewed upon application by the school
25 district if the school district provides, in the
26 application, (i) proof of academic achievement or
27 improvement due to the waiver or modification in the
28 curriculum area or areas addressed in the original waiver
29 or modification request and (ii) documentation that State
30 learning standards for physical development and health
31 are being met by a majority of those students who have
32 been exempted from physical education as a result of the
33 waiver or modification.

34 (2) An approved waiver from or modification to a

1 physical education mandate requested because of a lack of
2 physical facilities may be effective for no more than 4
3 school years and may be renewed upon application by the
4 school district if the school district explains, in the
5 application, (i) how the school district has attempted to
6 alleviate the facilities problem and (ii) how well the
7 school district has met State learning standards in
8 physical development and health.

9 (3) An approved waiver from or modification to a
10 physical education mandate requested for any other reason
11 may be effective for no more than 2 school years and may
12 be renewed upon application by the school district if the
13 school district provides, in the application, evidence of
14 (i) the benefits or positive outcomes associated with the
15 waiver or modification and (ii) how well the school
16 district has met State learning standards in physical
17 development and health.

18 The waiver or modification may be changed by a school board
19 within the period provided in paragraph (1), (2), or (3) of
20 this subsection (e), whichever is applicable, by following
21 the procedure set forth in this Section for the initial
22 waiver or modification request. If neither the State Board
23 of Education nor the General Assembly disapproves, the change
24 is deemed granted.

25 (f) On or before February 1, 1998, and each year
26 thereafter, the State Board of Education shall submit a
27 cumulative report summarizing all types of waiver mandates
28 and modifications of mandates granted by the State Board or
29 the General Assembly. The report shall identify the topic of
30 the waiver along with the number and percentage of school
31 districts for which the waiver has been granted. The report
32 shall also include any recommendations from the State Board
33 regarding the repeal or modification of waived mandates.

34 (Source: P.A. 89-3, eff. 2-27-95; 89-626, eff. 8-9-96; 90-62,

1 eff. 7-3-97; 90-462, eff. 8-17-97; 90-655, eff. 7-30-98.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.